

POLICY ON STUDENT RESPONSIBILITY AND CONDUCT

Calumet College of St. Joseph is committed to maintaining a close and caring sense of community and a supportive learning environment that contributes to the academic success of students and the overall quality of the institution. Membership in the College community, whether student, faculty or staff, requires respect and support for the traditions, objectives, programs and policies established by the College.

The student's acceptance of admission to Calumet College of St. Joseph reflects his/her desire to be a part of the total community, not simply a request for participation in the academic programs of the College. When this agreement is broken and the quality of the environment is disrupted, the College reserves the right, through due process, to take action against those responsible.

Student Expectations

1. Treat all with dignity and respect.
2. Refrain from the use of offensive, abusive language.
3. Respect the property of all.
4. Abide by all local, state or federal laws while on campus or engaged in college-related activities.
5. Conduct ourselves in a manner that assures the safety of others.
6. Do not disrupt classes or impinge on students' unhindered access to classes or other sources of information.
7. Refrain from the use of hate speech, physical and verbal abuse, and other provocative actions.

NOTE: Calumet College of St. Joseph recognizes the right of members of the College community to engage in the exercise of constitutional freedoms or other legitimate forms of expression (such as distributing literature or holding rallies). Thus, the exercise of constitutional freedoms is permitted where it does not interfere with the freedom of members or guests of the College community to engage in usual and scheduled activities.

FILING COMPLAINTS or CHARGES with the DEAN OF STUDENTS

All disciplinary matters should be resolved in a rational manner at the lowest level of institutional involvement possible. The Dean of Students is the college's liaison empowered to investigate and make decisions regarding consequences or recommendations to the President for sanctions as outlined in Section IX of this student handbook.

Students will be notified by the Dean of Students as to the decision made concerning the breach of expectations. Notice of the decision of the Dean of Students is effective when communicated to the student or when written notice is mailed to the student at the address on file with the institution; this is known as the mailbox rule.

The student, upon receiving the decision, has 10 days to file an appeal of said decision with the Judicial Officer.

I. Definitions

The Accuser/Victim: Any student who feels he/she has been treated contrary to the expectations that we have by another student, staff member or faculty member, has the right to bring that complaint to the authorities through the following procedure. A student who feels he/she has been harassed or discriminated against may also confide in someone with whom he/she feels comfortable in order to have support in the following procedure. A person, other than the victim, who has knowledge of an infraction, may also initiate proceedings, with written permission of the victim, in the manner outlined below. This person is the "**accuser.**"

II. The Judicial Officer

The Judicial Officer is appointed by the President of the College; the appointment will **not** be someone involved in the judicial process (e.g. the Dean of Students or the President). It is a one (1) year, renewable appointment.

III. The Judicial Review Panel

The Judicial Review Panel will consist of seven (7) members who will be chosen with one alternate for each category (in case one of the original seven (7) cannot attend the hearing due to schedule conflict). These seven (7) members will be: three (3) students, two (2) faculty members, and two (2) staff members. The Chair will be selected by the panel.

IV. Appeal Procedures

1. The victim/accuser signs a formal appeal outlining the charges when he/she reaches the Judicial Officer stage. The Judicial Officer may delegate the investigation of the complaint to an appropriate investigating officer. Some of these officers (e.g. Title IX Officer) are required by law to be appointed.
2. If an appropriate investigating officer does not exist, the Judicial Officer may ask someone to investigate the charges (e.g. head of security to investigate a security matter) or may conduct the investigation him/herself. The Judicial Officer (or other investigating officers) may begin the procedure of investigation without formal charges if just cause exists to do so.

3. The victim/accuser can terminate the procedure at any time in the process.
4. The victim/accuser has the right to consult counsel/outside sources, but must represent him/herself.
5. The victim/accuser does not have to confront the accused face-to-face during the procedure of making charges and the following investigation.
6. After the Judicial Officer finishes the investigation and accomplishes a report of findings and recommendations, the victim is informed of the results of the report. The President of the College will also receive the investigating officer's report and recommendation, and may implement recommendations therein.
7. The victim/accuser may demand a Judicial Review by the Judicial Panel if he/she is not satisfied with the investigating officer's report and recommendation. The Judicial Officer may recommend a Judicial Review Panel if he/she feels it would expedite the investigation.

These procedures in no way intervene with the victim's prerogative to exercise local, state or federal procedures.

V. The Accused

1. The accused will be notified of the charges and be furnished a copy of the investigative report by the Judicial Officer after formal charges are placed.
2. The accused has the right to know the name of his/her accuser and the results of the investigation at the point when formal charges are given.
3. The accused has the right to consult counsel/outside sources but must represent him/herself.
4. The accused may require a Judicial Review Panel if he/she does not feel the Investigating Officer's report and recommendation are accurate or appropriate.

VI. Judicial Review Panel

1. The Judicial Review Panel is the second level of appeal available by written request to the Judicial Officer to either the victim/accuser and/or the accused if either party is not satisfied with the report and/or recommendation(s) of the Judicial Officer.
2. The panel must be educated as to the type of charges which might be brought before it (e.g. harassment and discrimination charges).
3. The actual panel will be selected when a case is to be brought before it. Attempts should be made to have this panel reflect the make-up of the College at large with regards to gender, race and ethnic background, and age.
4. The students on the panel will be chosen by elected or appointed student government representatives with approval of the Vice President for Student Affairs or the College President.
5. The faculty and staff on the panel will be chosen by elected or appointed student government representatives with approval of the Vice President for Student Affairs or the College President.
6. If the charges are brought at a time when the full college is not in session (e.g. summer) and panel members are not available, the Vice President for Student Affairs may appoint appropriate substitutes according to above guidelines for sex, gender, race and ethnic considerations.

VII. President of the College

The President of the College may, at the option of either the victim/accuser, the accused, or unilaterally, act on the findings and recommendations of the Judicial Officer. He/she is also the last level of appeal.

VIII. Time Frame for Bringing Charges

1. From the time of the alleged violation to the filing of charges, a victim/accuser has seven (7) class days. Sexual harassment or discrimination are excused (according to law) from the requirement of seven (7) class days as it may take time for that pattern to become established or for the victim/accuser to feel comfortable enough to bring charges.
2. From the Judicial Officer receiving the charges to the completion of the investigation, no more than thirty (30) class days should elapse. Everyone involved will wish for a speedy and efficient resolution of the charges. At times, however, thirty (30) days may not be enough time for a complete investigation and the Judicial Officer may allow for an extension. Also, if the case is closed, it may be reopened with new evidence even if the thirty (30) days have elapsed.
3. From the Investigating Officer's report and recommendation, the victim/accused, the accuser, or the President of the College has five (5) class days to file a written request for a Judicial Review Panel.
4. From the filing of the request for a Judicial Review Panel to the beginning of the Judicial Review Panel process, no more than fifteen (15) class days shall elapse.

IX. Penalties and Sanctions

The following list indicates who has the power to implement which penalties and sanctions.

1. The Judicial Officer/Dean of Students can implement the following penalties and sanctions:
 - A) Warning
 - B) Probation
 - C) Suspension (without refund of tuition/without pay)
2. The Judicial Review Panel can implement the following penalties and sanctions:
 - A) Warning
 - B) Probation
 - C) Suspension (without refund of tuition/without pay)

The Judicial Review Panel may recommend to the President of the College that he/she implement expulsion/termination.

3. The President of the College can implement the following penalties and sanctions:

- A) Warning
- B) Probation
- C) Suspension
- D) Expulsion/Termination

All findings of professional misconduct, which result in a Judicial Review Panel recommendation for sanction of tenured faculty, must be forwarded to the Tenure Judiciary Committee for review and action. Restitution/Reparations for vandalism or damage can be dictated at all levels. Fines can be dictated all levels, however, only the President of the College may dictate a fine of over \$100.00.

HARASSMENT AND DISCRIMINATION POLICY

General Prefatory Statement

It is the policy of Calumet College of St. Joseph that all our employees and students enjoy an environment free of discrimination and harassment. Moreover, as a Catholic educational institution, we recognize our responsibility to advise and educate any such potential abusers as to the damage and effect their actions could have.

Harassment refers to behavior that is personally offensive, impairs morale and interferes with the work or academic effectiveness of employees and students. Discrimination refers to that behavior which shows partiality or prejudice. Any harassment of/or discrimination against employees or students by other employees or students will not be tolerated.

This policy refers to, but is not limited to, harassment and discrimination in the following areas: (1) age, (2) race, (3) color, (4) national origin, (5) religion, (6) sex and sexual orientation, (7) differently abled, (8) veteran status, (9) marital status, and (10) family status.

Sexual Harassment Policy

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It does refer to behavior that is not welcome and that debilitates morale, and that, therefore, interferes with work effectiveness. Offensive and objectionable sexually oriented conduct may include but is not limited to:

- 1. epithets;
- 2. derogatory or suggestive comments, slurs or gestures;
- 3. offensive posters, cartoons, pictures, or drawings; and
- 4. a single incident of unwanted touching.

Sexual harassment includes, but is not limited to:

- A. The victim (as well as the harasser) may be a woman or man. The victim does not have to be of the opposite sex.
- B. The harasser can be any employee of the college or a fellow student.
- C. The victim does not have to be the person harassed but could be anyone affected by offensive conduct.
- D. The victim has a responsibility to establish that the harasser's conduct is unwelcome.

Definitions and Guidelines

Sexual harassment of employees and students at Calumet College of St. Joseph is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct that has a negative effect on a person's ability to study, work or otherwise function in the campus setting. The actions may include:

- A. The victim (as well as the harasser) may be a woman or a man. The victim does not have to be of the opposite sex.
- B. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- C. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- D. The victim has a responsibility to establish that the harasser's conduct is unwelcome.

Sexual harassment of employees and students at Calumet College of St. Joseph is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct that has a negative effect on a person's ability to study, work or otherwise function in the campus setting. These actions may include:

- A. Submission to such conduct is made (either explicitly or implicitly) a term or condition of an individual's employment or academic status.
- B. Submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting that individual.
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience, or creates an intimidating, hostile, or offensive work or educational environment.

Administrative Responsibility

Sexual harassment, whether committed by administrative, academic, support personnel, students, or others, is specifically prohibited as unlawful and against College policy. The administration is responsible for taking action against any acts of sexual harassment regardless of whether the specific acts complained of were sanctioned or specifically forbidden and regardless of the manner in which the College becomes aware of the conduct.

Procedures

A. Student

A student who believes that he or she has been the subject of sexual harassment may file a complaint with:

1. The Dean of Students
2. Appropriate Department Chair person
3. The relevant Vice President
4. The President

B. Supervisor if relevant

After notification by a student of a complaint, the supervisor should immediately contact the relevant parties listed in "A" under "Procedure".

Investigation

1. After notification of a student's complaint, a confidential investigation will immediately be initiated to gather all facts about the complaint. The investigation will include interviews with the complaint, the accused and any other party involved. All interviews will be conducted in strict confidence.
2. After the investigation has been completed, a determination will be made by the relevant Vice President, Dean of Students or President, regarding the resolution of the case. If warranted, disciplinary action will be taken up to and including involuntary termination of employment for a college employee or dismissal of a student.
3. The administration will make every effort to complete the investigation within a week to ten (10) days in order that a speedy resolution to the problem is reached and any appropriate disciplinary or work related action can be taken promptly.

Non-Retaliation

The policy prohibits retaliation against any student who brings a sexual harassment charge or assists in the investigation of any charges. The student bringing a sexual harassment complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and the conditions of his/her academic enrollment, nor be discriminated against or discharged because of the complaint.

Non-Discrimination

Calumet College of St. Joseph admits students of any religion, race, color, national and ethnic origin to all the rights, privileges, programs and activities generally accorded or made available to students at the College. It does not discriminate on the basis of age, race, color, national origin, religion, sex and sexual orientation, differently abled, veteran status, marital status, and family status in administration of its educational policies, curriculum, recruitment and admissions policies, scholarship and loan programs, employment practices, or other college-sponsored programs. The College is committed to a policy of nondiscrimination on the basis of sex or gender in all its educational programs, personnel policies, and employment practices in compliance with the provisions of Title IX of the Federal Education Amendments of 1972.

ALCOHOL AND DRUG POLICY STATEMENT

The Drug Free Schools and Communities Act of 1989 requires that educational institutions provide educational programs that will combat substance abuse through prevention, rehabilitation and punishment. The following sections are the response of Calumet College of St. Joseph to inform students of the Act itself and to indicate the manner in which Calumet College fulfills its obligations under this Act. **Note:** Please check current state and local ordinances for any changes or revisions in these laws.

Students, faculty and staff of Calumet College of St. Joseph, while involved in any college related activities, are expected to exhibit behavior related to alcohol use which is legally, socially and culturally responsible. The use, possession, sale or transfer of any other drug, narcotic or hallucinogen, except as permitted by law, is prohibited.

ALCOHOL ABUSE

Use of Alcohol by minors [under the age of twenty-one (21)]

In Indiana it is illegal for a minor:

- To possess an alcoholic beverage (even to hold a sealed container for another person);
- To consume an alcoholic beverage;
- To transport alcoholic beverages on a public highway when not accompanied by at least one of his or her parents or guardians;
- To misrepresent his or her age for the purposes of obtaining alcoholic beverages;
- To furnish false or altered identification of any type for the purposes of providing evidence of age to obtain alcohol;
- To have in his or her possession false or fraudulent evidence of age;
- To drive an automobile being used to transport alcoholic beverages, unless the minor's parent or legal guardian is present in the car. (**Note:** When a minor operates a motor vehicle containing **ANY** alcoholic beverage he or she is subject to arrest, unless a parent or guardian is present. Being in the presence of a friend who is twenty-one (21) years old or older does **NOT** qualify a minor to operate a vehicle containing an alcoholic beverage. It is not a defense that the beverage belongs to someone else or that it is unopened);
- To be in a tavern, bar or any other public place where alcoholic beverages are sold, bartered, exchanged, given

away, provided, or furnished.

A fine of up to \$500 and/or imprisonment of up to sixty (60) days in a local jail could be imposed as a result of a conviction of one of the above listed criminal infractions. Effective July, 1990, a law mandates a ninety (90)-day to 1-year driver's license suspension for any minor who is convicted of using any type of fake identification or of entering a bar, tavern, club or package store and purchasing or procuring an alcoholic beverage.

Use of Alcohol by Individuals Regardless of Age

It is illegal:

- To be in a public place in a state of intoxication (also known as "public intoxication");
- To sell, barter, exchange, provide or furnish an alcoholic beverage to a minor;
- To sell, barter, deliver or give away an alcoholic beverage to a person who is intoxicated;
- To sell, barter, give, provide or furnish an alcoholic beverage to a person known to be a habitual drunkard;
- To hinder, obstruct, interfere with or prevent the observance or enforcement of the Indiana Alcoholic Beverage Code;
- For a person twenty-one (21) years of age or over to encourage, aid or induce a minor to possess or use an alcoholic beverage unlawfully;
- To take an alcoholic beverage into a bar, restaurant or place of public entertainment (Indiana law prohibits patrons from taking any alcoholic beverage into a bar or other place with a liquor license. It also prohibits taking liquor into any restaurant or place of public entertainment);
- To possess alcoholic beverages on which Indiana tax has been unpaid or to transport untaxed beverages into the state;
- To charge directly or indirectly for alcoholic beverages without a license (including charging for food, entertainment, cups, napkins, tokens, etc. where alcoholic beverages are distributed-- **there are no loopholes**).

Criminal sanctions for such violations include a fine up to \$1000 and/or imprisonment in a local jail for up to six (6) months.

ILLICIT DRUGS

Controlled Substance

It is illegal under both state and federal law to:

- Manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance;
- Deal in a substance represented to be a controlled substance (including counterfeit, "look-alike" drugs);
- Manufacture, advertise, distribute, or possess with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance;
- Possess, without a valid prescription, a controlled substance;
- Visit a building, structure, vehicle, or other place used by any person to use a controlled substance unlawfully;
- Possess, manufacture, deal in, or deliver drug paraphernalia (an instrument, device, or other object used for introducing a controlled substance into a body, enhancing the effect, or testing a controlled substance).

Criminal sanctions for such violations can include fines from \$5000 to \$10,000 under state law and up to \$250,000 under federal law, and imprisonment in a state prison up to fifty (50) years or in a federal prison for life. The sanction imposed will be determined by (1) the classification of the controlled substance, (2) the quantity involved, (3) the nature of the offense, (sale, use, etc.), (4) the age of the recipient (higher penalties if drugs are sold or given to minors), (5) the location of the offense (higher penalties for possession, sale or delivery near a school, etc.), and (6) the prior criminal record of the offender.

STUDENT ASSISTANCE FOR DRUG DEPENDENCIES

The student who recognizes himself/herself as having an alcohol or drug abuse problem can voluntarily seek help without penalty from the College. This applies if:

1. The student is not currently and has not previously been liable for sanction for violation of College alcohol or drug policies, and;
2. The student does not violate College policy during or after treatment.

The student may be required to participate in a recovery program in order to continue his/her role at the College.

WEAPONS/FIREARMS POLICY

No weapons of any kind shall be permitted on Calumet College of St. Joseph property, nor at Calumet College of St. Joseph functions, which may be held on property not owned by the College. The exceptions to this policy are those weapons which may be carried by duly authorized law enforcement officers while in the performance of their duties as prescribed by law or at the invitation of official college personnel. Any individual acting in violation of this policy will be subject to immediate disciplinary action.